IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12019 of 2003

Between:

I. Ranga Reddy s/o narayana Reddy,
R/o P. Kothapalle, Valllur Mandal, Kadapa district

..... PETITIONER

AND

The Forest Range Officer, yerraguntla Road, Proddatur,
Dadapa District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in taking away one Motor of 5 HP under service connection No. 147 one starter, one delivery pipe and other pipes from the land with an extent of 5 acres in Sy. No. 423 of Pedda putha Village in Vallur Mandal, kadapa District on 07-06-2003 without any authority and against the principles of natural justice against Article 300-A of the Constitution of India and consequently direct the respondent to return one Motor of 5 HP under service connection No. 147 one starter, one delivery pipe and other pipes to the petitioner

Counsel for the Petitioner: MR.L.J.VEERA REDDY

Counsel for the Respondent: G.P. FOR FORESTS.

The Court made the following ORDER:

Heard both sides and at the request of both counsel, the main writ petition itself is taken up for disposal.

The petitioner, who claims to be in possession of the land in an extent of Ac.5.00 in Survey No.423 of Pedda Padu village, Vallur Mandal, Kadapa District, filed this writ petition seeking writ of mandamus declaring the action of the respondent in taking away the Motors of 5 HP under Service Connection No.147 with accessories as illegal.

This Court has already granted interim direction on 03.07.2003 in W.P.M.P.No.14945 of 2003. In pursuance of which, the petitioner stated that he has received one motor and another one is yet to be delivered.

The learned Government Pleader for Forests appearing for the respondent stated that the land in question belongs to the Forest Department and the petitioner has wrongly encroached into the said land to which he is not entitled to under the law.

Having considered the submissions made by both the counsel and also on perusal of the material available on record, it is seen that the respondent authority did not assert any right or interest in regard to the motors, which have been seized from the petitioner.

Having regard to the same, if there is any encroachment of land belonging to Forest Department by the petitioner, it is always open to the respondent-Forest Department to take action against the petitioner in accordance with law.

With the aforesaid direction, the writ petition is disposed of directing the respondent to deliver back the motor with accessories, which is still in possession of the respondent.

26.07.2004

va

To

1. The Forest Range Officer, yerraguntla Road, Proddatur, Dadapa District

2. Two CCs to G.P. for Forest, High Court of A.P. Buildings, Hyderabad (OUT)

3. Two CD Copies